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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,372	10/07/2003	Yoshihiro Izumi	3693-45	4291
23117	7590	08/08/2006	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			LIANG, REGINA	
			ART UNIT	PAPER NUMBER
			2629	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/679,372	IZUMI, YOSHIHIRO	

Examiner	Art Unit
Regina Liang	2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
 - 4a) Of the above claim(s) 17-19 is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-3 and 5-16 is/are rejected.
- 7) Claim(s) 4 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/7/03</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-16, drawn to an image input/output display device, classified in class 345, subclass 104.
 - II. Claims 17-19, drawn to an image information reading method, classified in class 382, subclass 312.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has separate utility such as self-luminous image display section. See MPEP § 806.05(d).
3. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.
4. Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

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5. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

6. During a telephone conversation with Mr. Warren Burnam, Jr on 7/24/06 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-16. Affirmation of this election must be made by applicant in replying to this Office action. Claims 17-19 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 5-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Shiratsuki et al (US 5,313,055 hereinafter Shiratsuki).

As to claim 1, Shiratsuki discloses an image input/output device in which an image information detection section (image read part 105 in Fig. 5) for receiving reflected light from an image information object (document 113 in Fig. 8) to detect the image information of the object, and a self-luminous image display section (display part 101 includes light emitting element s 103, col. 6, lines 42-46) for displaying an image based on the image information detected by the

image information detection section are attached together in a back-to-back arrangement (see Figs. 5, 8, the display part 101 and the image reading part 105 are attached together), wherein the self-luminous image display section functions as an image-information-detecting light source for irradiating an image information object with light through the image information detection section (see Fig. 8 and col. 6, lines 42-46).

As to claims 2, Fig. 8 of Shiratsuki teaches the light emitting elements 103 of the image display section emits light both toward an image display side and toward an image information detection side.

As to claim 3, Fig. 8 of Shiratsuki teaches a reflecting means (reflected by the document 113).

As to claims 5, 9, Shiratsuki teaches the image information detection section (105) includes a detection section substrate (106) and a plurality of photodetector elements (light receiving elements 107) provided on the detection section substrate.

As to claims 6, 8, 10, Fig. 11 of Shiratsuki teaches the image display diction includes a display section substrate (101), a transparent filler layer (130, 131) is provided between the detection section substrate (105) and the display section substrate (101).

As to claim 7, Shiratsuki teaches the image display section includes a display section substrate (124) and a plurality of display elements (display elements formed by electrodes 125 and 129), and the display section substrate is placed so that one surface thereof on which the display elements are provided is facing inwardly.

As to claims 11, 12, Shiratsuki teaches the light emitting elements 103 functions as the image information-detecting light source, and the light receiving element 107 detects and stores image information (col. 7, lines 48-58 for example).

As to claims 12-15, Fig. 29 of Shiratsuki teaches the image section successively emits light in a line sequential manner, and the reading operation is initiated before light emission from all portions of the display section is completed.

As to claim 16, Shiratsuki teaches the light emitting elements is electroluminescence elements (col. 6, lines 42-43).

Allowable Subject Matter

9. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kobayashi et al (US 6,295,390 and 5,748,228), Kaifu et al (US 5,812,109), Katagiri et al (US 5,966,112).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina Liang whose telephone number is (571) 272-7693. The examiner can normally be reached on Monday-Friday from 8AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Regina Liang
Primary Examiner
Art Unit 2674

8/4/06